

**TOWN OF DAVIE**  
**TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers  
**FROM/PHONE:** Susan Dean, 954-797-1042  
**PREPARED BY:** Susan Dean  
**SUBJECT:** Resolution  
**AFFECTED DISTRICT:** Townwide

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE SEVENTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT

**REPORT IN BRIEF:** Amendment Seven pertains to the procedure for the appointment of temporary alternate members to represent the Board of County Commissioners and the Contract Cities on the Resource Recovery Board (RRB). The appointment of alternates has become necessary for the attainment of a quorum as increasing conflict in schedules with permanent members too often delays the completion of business. It outlines the guides and procedures that would need to occur to allow an alternate member to be fully authorized to act in the place of the permanent member. The Amendment also provides the guidelines for appointing an alternate member to the Technical Advisory Committee of the Resource Recovery Board.

**PREVIOUS ACTIONS:** Passage of Interlocal Agreement, June 25, 1986

**CONCURRENCES:** N/A

**FISCAL IMPACT:**

Has request been budgeted? N/A

**RECOMMENDATION(S):**

Motion to Approve

**ATTACHMENT(S):**

Interlocal Agreement may be made available on request

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE SEVENTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT.

WHEREAS, Broward County, Florida (“the County”) operates a Solid Waste System in accordance with the provisions of the authorizing documents for the Broward County, Florida Solid Waste System Revenue Refunding Bonds, Series 2003A (the “Authorizing Resolution”); and

WHEREAS, it is the desire of the parties to the Interlocal Agreement to amend the Interlocal Agreement to provide the express authority and general procedure for the appointment of temporary alternates to foster the consistent attainment of a quorum and the completion of the important business of RRB; and

WHEREAS, the composition of the Technical Advisory Committee, serving in an advisory capacity to the RRB and the County, is set forth in Section 5.7 of the Interlocal Agreement without expressly providing for the appointment of alternates for the municipal member of TAC who may be unable to attend a particular schedules TAC meeting; and

WHEREAS, it is the desire of the parties to the Interlocal Agreement to amend the Interlocal Agreement to provide the express authority and general procedure for the appointment of alternates for the municipal members of TAC to foster the consistent attainment of a quorum and the completion of the important business of TAC.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. Except as is provided in this Seventh Amendment, all defined terms used herein shall have the meanings as ascribed to them in the Interlocal Agreement, as previously amended.

SECTION 2. Section 5.2 of the Interlocal Agreement, relating to the composition of the RRB, shall be amended by the addition of the following new language at the end of the existing section:

Notwithstanding the foregoing provisions of this section, any member of the RRB who has been appointed by the Broward County Commission, as provided above, and who is unable to attend a scheduled RRB meeting may, upon the provision of at least 72 hours advance written notice of his or her unavailability to the County Mayor and the RRB Executive Director, seek the appointment by the County Mayor of a temporary alternate County Commissioner who is not then an appointed member of the RRB. The Mayor shall have the power to appoint such at the scheduled RRB meeting provided the appointment is made by the Mayor in writing, with a copy of the appointment provided to the RRB Executive Director, at least 24 hours prior to the RRB meeting. The attending alternate shall be fully authorized to act in the place of the unavailable RRB member except as to the assumption of the duties of the RRB Chair or Vice Chair if the unavailable RRB member holds with office.

Also notwithstanding the foregoing provisions of this section, any member of the RRB who has been appointed by a CONTRACT COMMUNITY or by the President of the Broward League of Cities or its successor organization from its member cities who are CONTRACT COMMUNITIES, as provided above, and who is unable to attend a scheduled RRB meeting may, upon the provision of at least 72 hours advance written notice of his or her unavailability to the President of the League of Cities and the RRB Executive Director, seek the appointment by the President of the League of Cities of temporary alternate municipal elected official who is not then appointed based on population. Any requested temporary alternate shall be an elected regarding any of the RRB municipal members appointed by the League of Cities, any requested temporary alternate shall be an elected official from any CONTRACT COMMUNITY other than those represented by an existing RRB member who has not provided notice of his or her unavailability for the meeting for which a temporary alternate is sought. The President of the League of Cities shall have the power to appoint such temporary alternate to attend and to act in appointment is made by the President of the League of Cities in writing, with a copy of the appointment provided to the RRB Executive Director, at least 24 hours prior to the RRB meeting. The attending substitute municipal official shall be counted toward the quorum of the RRB meeting and shall be fully authorized to act in place of the unavailable RRB member except as to the assumption of the duties of the RRB Chair or Vice Chair if the unavailable municipal RRB member holds either office.

SECTION 3. Section 5.7(a) of the Interlocal Agreement, relating to the Technical Advisory Committee, shall be amended to provide as follows: The chief administrative office of each CONTRACT COMMUNITY and COUNTY shall appoint a representative, who shall serve until replaced, from the public works, utilities or such other department which performs similar functions for the CONTRACT COMMUNITY and unincorporated County. In addition to the regular TAC representative, the chief administrative officer may also designate an alternate representative, who performs similar function for the CONTRACT COMMUNITY, who shall also serve until replaced. Alternate representatives may attend and participate in the TAC meetings or TAC subcommittee meetings, but may only be counted toward a quorum and vote in the absence of the appointed representative. The Resource Recovery Board may appoint for two (2) year terms up to five (5) additional members representing waste generators, recycling or environmental interests and private waste collection companies.

SECTION 4. Except as modified herein, the Interlocal Agreement shall remain in full force and effect.

SECTION 5. This resolution shall take effect immediately upon its passage and adoption.  
PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004